

Attorney Docket No. 021353-118.130

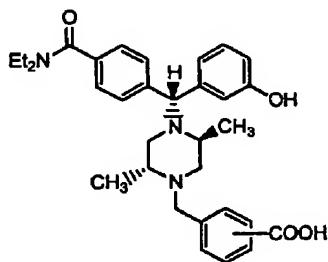
## REMARKS

In the March 28, 2006 Office Action the Office imposed a restriction requirement on pending claim 1-40 as follows:

Group I, claim 1-7, 9-13, 15-19 and 29-30 drawn to a pharmaceutical composition; and  
Group II, claims 8, 14, 20-28 and 31-40, drawn to a method of using said composition.

Applicants traverse this restriction requirement and elect Group II for further prosecution with the understanding that a divisional application can be filed to recapture product claims.

In addition, the Office requested that applicants elect a single disclosed species from the compositions. In response, applicants elect the composition comprising the compound having the following structure



4-((2R, 5S)-4-[(R)-(4-Diethylcarbamoylphenyl)(3-hydroxyphenyl)methyl]-2,5-dimethyl-1-piperazinylmethyl}benzoic acid.

The selected species is readable on generic claim 8, and species claims 14, 20-28 and 31-40. Applicants remind the Office that when the generic claim is found patentable then all species claims should be examined and found patentable. Further, when the method claims comprising the compositions of Formula I are found patentable a composition that includes an additional component should also be found patentable and included in a Notice of Allowance.

Supplemental IDS

Applicants have included a Supplemental Information Disclosure Statement for the review by the Office.

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**Petition for Extension/Fees Payable**

Applicants request a two month extension to extend the one month deadline of April 28, 2006 to June 28, 2006 with the required fee of \$225.00. Applicants have filed herewith a Supplemental Information Disclosure Statement (SIDS) but no fees are due because the SIDS is being filed before issuance of an Office Action on the merits. Applicants authorize the crediting of Deposit Account No. 13-4365 of Moore & Van Allen PLLC for payment of the fee of \$225.00. In the event additional fees are found due, the U.S. Patent and Trademark Office is hereby authorized to charge any additional amount necessary to the entry of this amendment to Deposit Account No. 13-4365 of Moore & Van Allen PLLC.

**Change of Correspondence Address**

Applicants request a Change of Correspondence, so that all communications from the USPTO will be sent to the following contact and address:

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Please change Attorney Docket Number to 021353-118.130

Respectfully submitted,

  
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